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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,643

07/19/2005

Toshinori Takatsuka

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22852

7590

05/11/2009

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EXAMINER

SITTA, GRANT

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/542,643	<b>Applicant(s)</b> TAKATSUKA, TOSHINORI	
	<b>Examiner</b> GRANT D. SITTA	<b>Art Unit</b> 2629	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 19, 21-26, 33-35, 37-38,, 43-44, 46-47, and 49-67.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Sumati Lefkowitz/  
Supervisory Patent Examiner, Art Unit 2629

/Grant D Sitta/  
Examiner, Art Unit 2629

Continuation of 3. NOTE: the proposed amendments would require further search and/or consideration .

Continuation of 11. does NOT place the application in condition for allowance because:

12. Applicant's arguments filed 4/14/2009 have been fully considered but they are not persuasive.

13. In regards to Applicant's remarks, with respect to claim 50, that Maattaet as modified by Laube does not teach or suggest magnetizing said ring-type magnet "at M sets of north-south poles, where  $M=K \times I$ , K equal the number of magnetic sensors, and I is an integer equal to or great than one (pg 14, last ). Examiner respectfully disagrees. Fig. 5b of Maattaet shows four sensors and Laube's fig. 8 structure. i.e. I is equal to one and the four sensors shown in fig. 5b on Maattaet, provides M is equal to four. Fig. 8 of Laube provides at least four sets of north and south poles. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In regards to Applicant's remarks, with respect to claim 21, that Maattaet, Laube, and Arita do not teach or suggest a point device, "further comprising a printed circuit board on which a resin layer with elastic deformation is provided". Examiner respectfully disagrees. The claims language merely requires that a resin layer with elastic deformation be on a printed circuit board. Examiner asserts that as shown in Fig. 2 of Arita an elastic member (11) is provided on a printed circuit board. Examiner is interpreting "on" to mean above.

In regards to Applicant's remarks, with respect to claim 47, Maattaet, and Laube as modified by Arita does not teach wherein two magnetic sensors on the X axis are electrically connected at a first connection point and two magnetic sensors on the Y axis are electrically connected at a second connection point. Examiner respectfully disagrees. Col. 6, lines 1-15 discusses the Hall sensors and the measurement of change in the x-y plane. The connection points are the sensors in the x-y plane. Examiner notes the claim language merely requires the connection point to be electrically connected.

In regards to Applicant's remarks, with respect to claim 51, Maattaet, and Laube as modified by Arita does not teach wherein a ring-like magnet that is movable supported in a plane and is internally and externally magnetized along said ring in said plane. Examiner respectfully disagrees. Col. 6, lines 1-15. A magnet is internally and externally magnetized along said ring in said plane. This can also be seen in figs. 2a and 2b with the flux density 210 and 212. Applicant points to page 4 of the final Office Action. Wherein Examiner conceded that Maattaet does not disclose said ring-like magnet comprises inner and outer ring sections comprising sections of north and south magnetization. However, Examiner points to the distinction between having "inner and outer ring sections comprising sections of north and south magnetization" and "is internally and externally magnetized".

In regards to claim 53, see the reasoning in claim 47.

In regards to claim 55, Maattaet shows wherein the ring-like magnet is magnetized in a multipolar manner in the direction its circumference. (fig. 3b , see also 2a and 2b and col. 6, lines 1-15). Examiner notes the multipolar manner is north and south and the direction is in the direction of the circumference as shown in figs. 2a and 2b (210 and 212)

Claim 60 is rejected for the same reasons stated in claim 21 above.

Claim 63 is rejected for the reasons stated in claim 21. Examiner notes that magnets are internally and externally magnetized. .